BOARD OF ADJUSTMENT Zoning Administration Division Development Services Department (DSD) 201 North Stone Avenue, Tucson, Arizona 85701

*** NOTICE OF DECISIONS ***

DATE OF PUBLIC HEARING September 26, 2007

THE DECISIONS OF THE BOARD OF ADJUSTMENT MAY BE APPEALED TO THE SUPERIOR COURT OF PIMA COUNTY BY FILING A COMPLAINT FOR SPECIAL ACTION WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION. ARIZONA REVISED STATUTES SECTION 9-462.06 (J)&(K).

CASE NO. THE APPLICANT

C10-07-15 FRANCEV GARAGE CONVERSION, 834 E. HELEN STREET, R-1

The applicant is appealing the Development Services Director's denial of Design Development Option (DDO) Case DDO-07-98. Case DDO-07-98 is a request by a property owner (K. Francey) to convert an existing garage into additional living space. Conversion from an accessory structure into living space triggers the need to bring the structure into compliance with design criteria applicable to residential development in the R-1 zone. The applicant filed a Design Development Option (DDO) application with the Development Services Department requesting the zoning approval necessary to allow the structure to remain with a reduced building setback of five (5') as measured from the west lot line (Case DDO-07-98). The applicant's DDO was denied in part, due to a protest on the project's non-compliance with the required DDO Findings of LUC Section 5.3.4.3. H, L, and N. Tucson Land Use Code (LUC) Sections applicable to this project include Section 5.3.4.3 (DDO Findings); Section 2.3.4 which provides the design criteria applicable to residential development in the R-1 zone; Sections 3.2.3, 3.2.5 and 3.2.6 which provide the development criteria for all structures; and, Section 5.1.7.3 which provides for the Board of Adjustment to hear and decide on appeals made to the Development Services Director's decision on DDO applications. The applicant is requesting a reversal of the Development Services Director's decision to deny DDO 07-98.

<u>DECISION</u>: REVERSE THE DEVELOPMENT SERVICES DIRECTOR'S DECISION TO DENY DDO 07-98.

By LUC regulation, a building permit or development approval based upon a Board of Adjustment decision cannot be issued, until a minimum of fourteen (14) days after the Board's decision date.

IMPORTANT NOTICE

FOR VARIANCES OR DESIGN DEVELOPMENT OPTIONS (DDO) GRANTED BY THE ACTIONS OF THIS BOARD: IF A BUILDING PERMIT IS REQUIRED FOR THE PROJECT ASSOCIATED WITH THE VARIANCE OR DDO, IT MUST BE SECURED FROM THE DEVELOPMENT SERVICES DEPARTMENT (DSD) WITHIN 180 DAYS OF THE HEARING DATE.

VARIANCE AND DDO APPROVALS EXPIRE WITHIN 180 CALENDAR DAYS FROM THE DATE OF THIS MEETING. TWO ADDITIONAL (180 DAY) EXTENSIONS MAY BE GRANTED PROVIDED THERE IS GOOD CAUSE AND THE REQUEST IS MADE IN WRITING.

<u>UNLESS OTHERWISE NOTED</u>, BOARD OF ADJUSTMENT DECISIONS BECOME EFFECTUATED UPON OBTAINING BUILDING PERMITS (IF REQUIRED) AND FULL COMPLIANCE WITH ALL CONDITIONS OF THE BOARD' DECISION.

THE 180 DAY TIME FRAME TO OBTAIN A BUILDING PERMIT DOES NOT APPLY WHEN THERE IS AN OUTSTANDING ZONING VIOLATION WHICH PRECIPITATED THE VARIANCE OR DDO REQUEST FOR THE PROPERTY. THE APPLICANT OR PROPERTY OWNER MUST CONTACT THE DEPARTMENT OF NEIGHBORHOOD RESOURCES FOR THE DATE THE ZONING VIOLATION MUST BE ABATED.

If you wish further information, please call Russlyn Wells or Wayne Bogdan at 791-5550.

Connie Munguia, Secretary Board of Adjustment

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